

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE: ) Chapter 11  
 )  
EASTERN LIVESTOCK CO., LLC ) Case No. 10-93904-BHL-11  
 )  
Debtor. ) Hon. Basil H. Lorch III

**APPLICATION TO EMPLOY BAKER & DANIELS LLP**  
**AS COUNSEL TO CHAPTER 11 TRUSTEE**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), respectfully moves this Court for an order, substantially in the form attached hereto as Exhibit A, authorizing the Trustee to employ the firm of Baker & Daniels LLP ("B&D") to serve as Trustee's counsel in the above-captioned case. In support of this Application to Employ Baker & Daniels LLP as Counsel to Chapter 11 Trustee (the "Application"), the Trustee respectfully represents the following:

1. The Trustee wishes to employ the firm of B&D, each of whose attorneys identified below is duly admitted to practice in this Court.
2. The Trustee selected B&D because B&D has extensive experience with respect to the types of matters for which the Trustee seeks to employ B&D, and B&D regularly practices before this Court and is familiar with the local rules. B&D is well qualified to represent the Trustee herein.
3. The matters upon which B&D will represent the Trustee include, but are not limited to:
  - (a) representation of the Trustee with regard to claims asserted as secured administrative and/or priority claims against the chapter 11 estate;

- (b) representation with regard to investigation and prosecution of demands, claims and causes of action that the Trustee may hold;
- (c) representation with regard to the bankruptcy estate's effort to obtain possession of assets and to dispose of and reduce to cash various assets of the estate; and
- (d) such other matters as the Trustee may request.

4. B&D is disinterested as that term is defined in 11 U.S.C. § 101. It neither represents nor holds any interest adverse to the interests of the bankruptcy estate with respect to the matters on which B&D is to be employed. Except as provided in the Affidavit of Terry E. Hall (the "Hall Affidavit") attached as Exhibit B, B&D represents no entity in connection with this case and it has no connection with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

5. Subject to Court approval, and in accordance with section 330(a) of the Bankruptcy Code, and any order authorizing interim compensation procedures by this Court, the Trustee desires to employ B&D on an hourly fee basis at its rates for similar employment, plus reimbursement of all actual and necessary expenses incurred by B&D in connection with this engagement. The primary attorneys and paralegals within B&D who will represent the Trustee and their current standard hourly rates are:

<u>PROFESSIONAL</u>	<u>TITLE</u>	<u>RATE</u>
James M. Carr	Partner	\$525.00
Robert K. Stanley	Partner	\$555.00
Terry E. Hall	Partner	\$350.00

<b><u>PROFESSIONAL</u></b>	<b><u>TITLE</u></b>	<b><u>RATE</u></b>
Dustin R. DeNeal	Associate	\$210.00
Harmony A. Mappes	Associate	\$220.00
Sarah B. Laughlin	Paralegal	\$200.00

These hourly rates are subject to periodic adjustments to reflect economic and other conditions. The Trustee believes the proposed rates are reasonable.

6. No actual conflict of interest exists with respect to B&D's proposed representation of the Trustee and B&D's representation of any other client.

THEREFORE, the Trustee respectfully requests that its employment of B&D to represent the Trustee in this case be approved, and for all other just and proper relief.

By: /s/ James A. Knauer  
*Chapter 11 Trustee*

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### **CERTIFICATE OF SERVICE**

I hereby certify that on December 30, 2010, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on December 30, 2010, a copy of the foregoing pleading was mailed by first-class U.S. Mail, postage prepaid and properly addressed, to the following:

Eastern Livestock Co., LLC  
135 W. Market Street  
New Albany, IN 47150

/s/ James A. Knauer